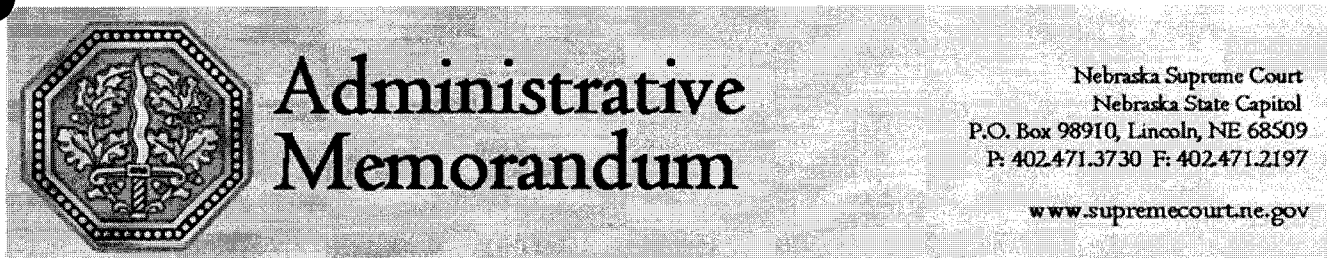


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**Administrative Memorandum 08-7 | July 2008**

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SPECIAL PROJECTS & EVENTS**Increased Mileage Rate Necessitates 20% Reduction in Judicial Branch Travel**

The State of Nebraska uses the IRS standard mileage rates to reimburse personal vehicle mileage. Effective July 1, 2008, the IRS increased the standard rate for the final six months of this year to 58.5 cents per mile. The judicial branch budget for mileage until July 1, 2009, is 44 cents per mile, which was the effective rate when our current biennial budget was approved. There is no additional funding available to cover the increased costs.

Chief Justice Mike Heavican requested district and county court judges to submit plans by July 21, 2008, showing how their district will reduce mileage by 20%. Probation districts have been asked to reduce travel by this same amount. Information containing past travel expenditures and mileage reduction targets has been prepared by the Administrative Office of the Courts and Probation and distributed to presiding judges and chief probation officers. Administrative travel for committees, commissions, education and other meetings will likewise be reduced and video and telephone conferences used to the extent feasible. Those responsible for scheduling interpreters are reminded that interpreter travel costs must also be cut and efficient scheduling is essential.

Combining trips, increased carpooling and elimination of any non-essential travel are obvious tools in reducing mileage costs. It is highly recommended that state-issued vehicles be utilized whenever possible. As a reminder, there are TSB Motor Pools in the following locations:

Lincoln: 1501 M Street
Omaha: 1313 Farnam on the Mall
North Platte: Craft State Office Building
Scottsbluff: 4500 Avenue I
Kearney: 802 30th Avenue
Norfolk: 600 East Benjamin

For questions about obtaining a state driver's permit, court staff can call Eileen Janssen at 402-471-4427 and probation staff can call Linda Veerhusen at 402-471-4942.

Cameras Make Their Debut in Courtrooms #32 and #34 of the Lancaster County District Court in Mid-July

The courtrooms of Judges Steven Burns and Karen Flowers are wired and ready to "go live" following months of planning and intricate wiring for camera installation.

The two district court judges agreed to open their courts to cameras in order to give the public and students a better opportunity to see the judicial system from start to finish. For the first time in Lincoln, the media are able to broadcast court proceedings, which means that the public will not have to be seated in the courtroom in order to have the opportunity to get a feel for the activities of the court system.

Courtrooms #32 and #34 now contain two cameras each; one focusing on the attorneys and the other on the judge or witnesses.

"The pilot project is an opportunity to try different modes of bringing media and public into the courtroom. We're experimenting," Judge Steven Burns said. "It's an opportunity for public to see what's really going on in the courtroom."

Cameras for the two courtrooms were purchased through a donation by the Nebraska Broadcasters Association. Installation of the equipment became a joint project of the Nebraska Broadcasters, the University of Nebraska, Lancaster County and the Court.

Not everything in the courtroom is available for broadcast. The jury, juveniles, sexual assault victims and other select witnesses will not be shown. Each judge has a master control switch allowing them to cut the power to cameras if they so choose.

The broadcast is also fed directly to University of Nebraska-Lincoln's journalism and law colleges through the Internet. Just prior to the public unveiling of the project, journalism students at the University's College of Journalism used the system to watch a proceeding in Judge Burns' courtroom tied to the Mass Media Law curriculum of Professor John Bender.

Reporters wanting to cover cases for commercial news stations are able to access video and audio feeds through media cabinets located next to the courtrooms by calling the District Court Receptionist.

Rules for covering court hearings are found under Rule 3-15 of the Lancaster County District Court.

Nebraska Joins National Movement to Standardize Domestic Abuse Protection Orders Allowing Enforcement from State-to-State

Nebraska has joined a national movement to standardize domestic abuse protection orders by issuing and enforcing a new uniform first page. The revised front page now provides the most critical data for issuing and enforcing the orders. The National Center for State Courts is working to standardize the national template for every state, territory, and tribe through an initiative called, "Project Passport." Click [here](#) to view full press release.

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PEOPLE

In Memoriam

Former Cedar County Judge David Curtiss died July 14, 2008. Curtiss served on the bench from 1972 until his retirement in 1988.

Hon. Keith Howard, former Douglas County District Judge, passed away at the end of July. Howard served on the bench from 1979 until his



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Nebraska Supreme Court OKs TV cameras in trial courts

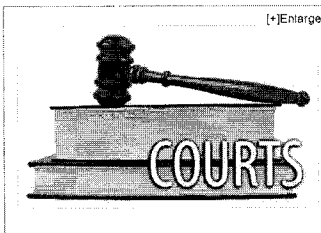
By The Associated Press

Friday, Mar 14, 2008 - 12:19:30 pm CDT

The Nebraska Supreme Court has approved a plan to allow television news cameras into some trial courtrooms in southeastern Nebraska.

The plan is part of a pilot project established by Nebraska 1st District Judges Dan Bryan and Paul Korslund.

While reporters have always been allowed in trial courts, they were limited to using a pen and notepad for newsgathering, Bryan said in a written release Friday issued by the high court.



Last year, the state Supreme Court approved rules to allow audio-gathering equipment to be used in some trial cases presided over by Bryan and Korslund.

"The experiment went so well we are more than willing to make room for television cameras, should the news stations want to cover cases in our area," Bryan said.

News stations will face some restrictions. Cameras will not be allowed in proceedings required by law to be private. Also, video coverage of cases concerning juveniles, child

custody, police informants, undercover agents and similar witnesses are prohibited unless consent of all parties is obtained.

The Nebraska Supreme Court has allowed cameras in oral argument sessions for nearly 25 years, the release said.

The 1st Judicial District covers 11 southeast Nebraska counties. They are Clay, Fillmore, Gage, Jefferson, Johnson, Nemaha, Nuckolls, Pawnee, Richardson, Saline, and Thayer counties.

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IT won't work wrote on March 14, 2008 2:07 pm:

" This will be a short experiment. Once the public sees what is going on in this courtrooms, outrage will ensue and chaos will reign. The public won't accept the low intellect and subpar legal knowledge that both the judges and attorneys have. The Nebraska courtrooms are societal embarrassments, and they won't be on television long. "

Sure wrote on March 14, 2008 4:29 pm:

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Wednesday September 24, 2008 11:24 AM

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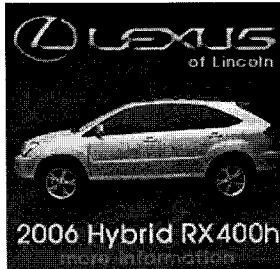
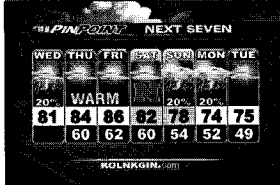


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Cameras in the Courtroom

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Beatrice, Neb.
Posted: 6:32 PM May 23, 2008
Last Updated: 6:36 PM May 23, 2008
Reporter: Alicia Myers
Email Address: alicia.myers@kolnkgin.com

As part of a pilot project initiated by the Nebraska Supreme Court, media cameras were allowed inside the courtroom for the murder trial of 43-year-old Richard Griswold of Beatrice.

Many other states have allowed media cameras inside courtrooms for decades, to document judicial proceedings.

Until this last week, cameras were only allowed in Nebraska courtrooms for State Appeals and Supreme Court.

Those involved in the Griswold trial say it was a positive experience.

It's an image Nebraskans haven't seen before.

A convicted murderer leaves the courtroom, and it's all caught on camera.

For the first time in Nebraska history, media cameras were allowed inside the courtroom for the Richard Griswold murder trial as part of a pilot program started by the Nebraska Supreme Court, to help the public understand how the courts work.

"It's very common now that people view the world and their community through the technology that we have. For the courts not to be open to this, I think deprives people of access to the courts," said Judge Paul Korslund, 1st Judicial District.

All week, media outlets around Nebraska have shown viewers images, and provided sound from the proceedings; a first that has some impressed with the new program.

"One comment I had from a person in the public, without asking, is 'I'm really impressed with all the work that's being done.' So, I think the message is getting across," said Judge Korslund.

That's a message attorneys and jurors say didn't distract them in the process.

"Honestly, I didn't have any problems. You didn't seem to be attracting any additional attention, and the jury didn't seem to be bothered by it," said Defense Attorney James Mowbray.

"For us, in this case, it was a non-issue. We didn't see them. They didn't see us. It made no difference to how we felt and reacted," said Larry Thomas, Juror.

"I think it's a ground-breaker in Nebraska, and I'm pleased that I've been part of it," said Judge Korslund.

Judge Korslund says he plans to forge ahead with the new process.

He says the only changes he would make are to the actual facilities of the court.

Judge Korslund says the Gage County courtroom needs a new sound system.

Besides that, Judge Korslund says it was a very positive experience.

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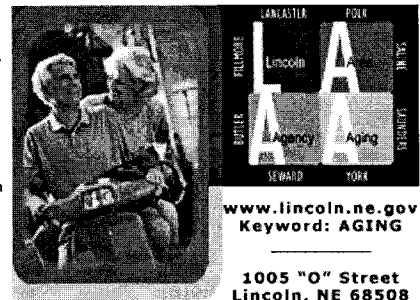
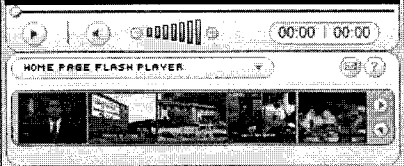
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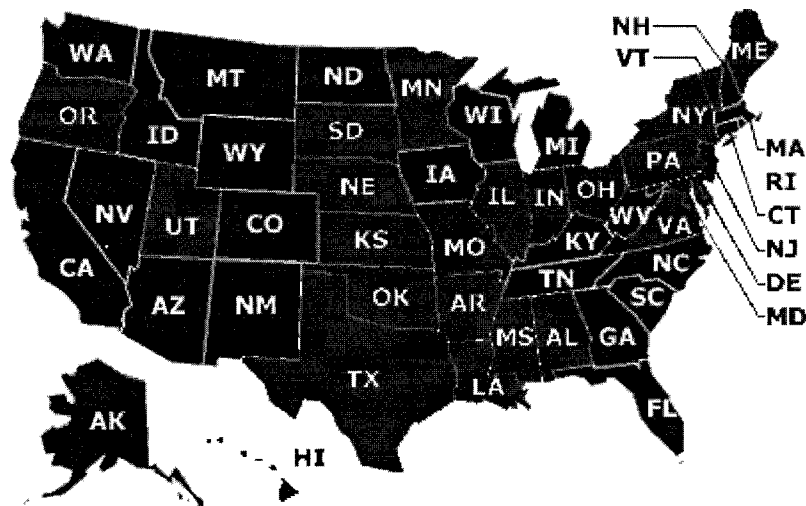
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Cameras in the Court: A State-By-State Guide

Click on your state to read the current law regarding cameras and microphones in the courtroom.



The District of Columbia is the only jurisdiction that prohibits trial and appellate coverage entirely.

Legend:

TIER I: States that allow the most coverage

- California** - broad discretion in presiding judge
- Colorado** - broad discretion in presiding judge
- Florida** - "qualitative difference" test
- Georgia** - broad discretion in presiding judge
- Idaho** - broad discretion in presiding judge
- Kentucky** - broad discretion in presiding judge
- Michigan** - judge may prohibit coverage of certain witnesses
- Montana** - broad discretion in presiding judge
- Nevada** - broad discretion in presiding judge
- New Hampshire** - broad discretion in presiding judge
- New Mexico** - judge may prohibit coverage of certain witnesses
- North Dakota** - broad discretion in presiding judge
- South Carolina** - broad discretion in presiding judge
- Tennessee** - broad discretion in presiding judge/coverage of minors is restricted
- Vermont** - broad discretion in presiding judge
- Washington** - broad discretion in presiding judge

West Virginia - broad discretion in presiding judge

Wisconsin - broad discretion in presiding judge

Wyoming - broad discretion in presiding judge

TIER II: States with restrictions prohibiting coverage of important types of cases, or prohibiting coverage of all or large categories of witnesses who object to coverage of their testimony.

Alaska - requires sex offense victim consent

Arizona - coverage of juvenile/adoption proceedings prohibited

Connecticut - coverage of certain types of cases prohibited

Hawaii - coverage of certain cases and witnesses prohibited

Indiana - appellate coverage only; pilot program for coverage of trials in designated courtrooms.

Iowa - need victim/witness consent in sexual abuse cases; regularly scheduled Supreme Court hearings are *not* subject to witness or party objections.

Kansas - consent of parties/attorneys not required, but coverage of many types of witness may be prohibited

Massachusetts - coverage of certain types of hearings prohibited

Missouri - coverage of certain cases and witnesses prohibited

North Carolina - coverage of certain cases/witnesses prohibited

New Jersey - coverage of various types of cases prohibited

Ohio - victims and witnesses have right to object to coverage

Oregon - witnesses discretion to object to coverage of certain cases

Rhode Island - coverage of certain proceedings, including criminal trials prohibited

Texas - no rules for criminal trial coverage, but such coverage allowed increasingly on a case by case basis

Virginia - coverage of sex offense cases prohibited

TIER III: States that allow appellate coverage only, or that have such restricting trial coverage rules essentially preventing coverage.

Alabama - consent of all parties/attorneys required

Arkansas - coverage ceases with objection by a party, attorney or witness

Delaware - appellate coverage only/currently experimenting with trial-level coverage of civil, non-jury cases in before certain courts

Illinois - appellate coverage only

Louisiana - appellate coverage only

Maine - coverage only permitted in appellate proceedings, civil trials, criminal arraignments, sentencing and other non-testimonial criminal proceedings

Maryland - consent of all parties/attorneys required; coverage of criminal trials is prohibited.

Minnesota - consent of all parties required at trial level

Mississippi - coverage of certain types of cases and witnesses prohibited.

Nebraska - appellate coverage/audio trial coverage only

New York - appellate coverage only

Oklahoma - consent of criminal parties/attorneys

Pennsylvania - any witness who objects may not be covered, coverage of non-jury civil trials permitted

South Dakota - Supreme Court coverage only

Utah - appellate coverage/trial coverage - still photography only

Alabama

Trial and appellate courtroom coverage is permissible if the Supreme Court of Alabama has approved a plan for the courtroom in which coverage will occur. The plan must contain certain safeguards to assure that coverage will not detract from or degrade court proceedings, or otherwise interfere with a fair trial. If such a plan has been approved, a trial judge may, in the exercise of "sound discretion" permit coverage if: (1) in a criminal proceeding, all accused persons and the prosecutor give their written consent and (2) in a civil proceeding, all litigants and their attorneys give their written consent. Following approval of their coverage plans, appellate courts may authorize coverage if the parties and their attorneys give their written consents. In both trial and appellate contexts, the court must halt coverage during any time that a witness, party, juror, or attorney expressly objects. In an appellate setting, it must also halt coverage during any time that a judge expressly objects to coverage.

Authority: Canon 3A(7), 3A(7A), and 3A(7B), Alabama Canons of Judicial Ethics, Ala. Code, Vol. 23A (Rules of Alabama Supreme Court).

Alaska

The news media, which includes the electronic media, still photographers and sketch artists, may cover court proceedings in all state trial and appellate courts.

Administrative Rule 50 permits media coverage anywhere in the state court facility and is not limited to courtrooms. Under the permanent rule, the media must apply for and receive the consent of the presiding judge prior to commencing coverage. Requests for coverage must be made 24 hours prior to the proceeding, and applications that are timely filed are deemed to have been approved, unless otherwise prohibited. The consent of all parties is required for coverage of divorce, domestic violence, child custody and visitation, paternity or other family proceedings. Jurors may not be photographed, filmed or videotaped in the courtroom at any time.

Victims of a sexual offense may not be photographed, filmed, videotaped or sketched without the consent of the court and the victim. A procedure is prescribed for suspension of an individual's or an organization's media coverage privileges for a period of up to one year for violation of the media coverage plan.

Authority: Rule 50, Rules Governing the Administration of All Courts, Alaska Rules of Court (West).

Arizona

Electronic and still photographic coverage of proceedings in all state courts and "areas immediately adjacent thereto" is permitted, provided the media follow certain guidelines that set forth rules for coverage. Audio recording by media is also generally permitted, provided that the audio recording does not create a distraction in the courtroom and is only used as personal notes of the proceedings. Coverage of juvenile proceedings is prohibited, and the judge has sole authority to decide whether to permit coverage of all other matters. The photographing of jurors in a way that permits them to be recognized is strictly forbidden. Requests for coverage

should be made to the judge of the particular proceeding "sufficiently in advance" of the sought-after coverage event. Only one television and one still camera is allowed in the courtroom at one time, and the media are responsible for arranging pooling agreements. No flash bulbs or additional artificial lights of any kind are allowed in the courtroom without the notification and approval of the presiding judge.

Authority: Rule 122, Rules of the Arizona Supreme Court, Ariz. Rev. Stat., Vol. 17A.

Arkansas

A judge may authorize broadcasting, recording, or photographing in the courtroom and adjacent areas provided that "the participants will not be distracted, [n]or will the dignity of the proceedings be impaired." An objection to the coverage by a party or attorney precludes media coverage of the proceedings and an objection by a witness precludes coverage of that witness. Coverage of juvenile, domestic relations, adoption, guardianship, divorce, custody, support and paternity proceedings is expressly prohibited. Similarly, coverage of jurors, minors without parental or guardian consent, sex crime victims, undercover police agents and informants is also prohibited. Only one television and one still camera is allowed in the courtroom at one time and the media are responsible for arranging pooling agreements.

Authority: Administrative Order Number 6, Rules of Civil Procedure - Appendix, Arkansas Code of 1987 Annotated (Court Rules).

California

Media coverage of State Court proceedings is governed by Rule 980 of the California Rules of Court. Personal recording devices may be used with advance permission of the judge for personal note-taking only. Media coverage is permitted by written order of the judge following a media request for coverage filed at least five court days before the proceeding to be covered. Any such requests must be made on the official form provided by courts. Coverage of jury selection, jurors, spectators, proceedings held in chambers, proceedings closed to the public or conferences between an attorney and a client, witness or aide, between attorneys or between counsel and the judge is prohibited.

Effective January 1, 1998, Rule 4.1 restricting media coverage within the courthouse unless specifically authorized by the presiding judge was added to the Los Angeles County Superior Court Rules. This rule also prohibits the filming or photographing of any person wearing a juror badge in the court.

Authority: Rule 1.150, California Rules of Court; Rule 4.1 Los Angeles County Superior Court Rules (West).

Colorado

Canon 3A(7) of the Colorado Code of Judicial Conduct gives judges the power, implemented in Canon 3A(8), to authorize media coverage of court proceedings, subject to several guidelines. Judges also have the power to prohibit or limit coverage upon a finding of substantial likelihood of interference with a fair trial, disruption or degradation of the proceedings, or harm which is distinct from that caused by coverage by other types of media. Those wishing to cover a particular proceeding must submit a written request to do so to the presiding judge at least one day in advance of the proceeding desired to be covered and must give a copy of the request to the counsel for each party participating in the proceeding. Coverage of jury selection, in camera hearings and most pre-trial hearings is prohibited. No close-up photography of the jury, bench conferences or attorney-client communication is permitted. Consent of the participants is not required. The judge may also terminate coverage if the terms of the canon or any additional rules imposed by the Court have been violated. Only one television and one still camera are allowed in the courtroom at one time and the media are responsible for arranging pooling agreements.

Authority: Canon 3(A)(8), Colorado Code of Judicial Conduct, Colo. Rev. Stat., Vol. 7A (Court Rules), Appendix to Chapter 24; Form.

Connecticut

Sections 70-9 and 70-10 of the Rules of Appellate Procedure (governing media coverage in the Appellate and Supreme Courts) and Sections 1-10 and 1-11 of the Rules for the Superior Court (governing coverage in trial courts) permit the coverage of judicial proceedings under specific circumstances.

In appellate courts, those wishing to cover a particular proceeding must submit a written request to do so to the appellate clerk "not later than the Wednesday which is thirteen days before the day in which that proceeding is scheduled to occur." In trial courts, those wishing to cover a particular proceeding must submit a written request to do so at least three days prior to the commencement of the trial to the administrative judge of the judicial district where the case is to be tried. In both courts, coverage of family relations matters, trade secrets cases, sexual offense cases, and cases otherwise closed to the public are prohibited. In jury trials, no coverage of proceedings held in the jury's absence is permitted. Additionally, in criminal cases, sentencing hearings may only be covered if the trials are covered. Photographing or televising individual jurors is prohibited, and where coverage of the jury is unavoidable, no close-ups may be taken.

Authority: §§ 70-9, 70-10, Rules of Appellate Procedure; §§ 1-10, 1-11, Rules for the Superior Court, Connecticut Rules of Court (West).

Delaware

Rule 53 of the Delaware Superior Court Criminal Rules, Rule 53 of the Delaware Family Court Criminal Rules, and Rule 53 of the Criminal Rules of Delaware Courts of Justices of the Peace forbid coverage. By order dated April 29, 1982, the Delaware Supreme Court issued guidelines for its one year appellate experiment. Under those guidelines, coverage is permissible so long as it does not impair or interrupt the orderly procedures of the Court. Consents of the parties are not

required. This experiment was extended indefinitely by order of the Delaware Supreme Court, dated and effective May 2, 1983.

On April 5, 2004, the Delaware Supreme Court issued its Administrative Directive No. 155, which established a six-month trial court experiment, which was originally scheduled to end on October 15, 2004. In this experiment, media coverage was permitted in the Sussex Court of Chancery, and courtrooms in New Castle, Kent and Sussex Counties. Broadcast of non-confidential, non-jury, civil proceedings was permitted.

Administrative Directive No. 155 was amended on October 25, 2004, and the experiment was extended until May 16, 2005. As of this writing, no further action has been taken.

Authority: Canon 3A(7), Delaware Judges' Code of Judicial Conduct, adopted by Rule 84, Rules of the Delaware Supreme Court, Del. Code, Vol. 16; Rule 53, Delaware Family Court, Criminal Rules, Del. Code, Vol. 16; Rule 53, Delaware Superior Court Criminal Rules, Del. Code, Vol. 17; Rule 31, Delaware Courts of Justices of the Peace, Criminal Rules, Del. Code, Vol. 16. See also Rule 169, Rules of the Delaware Court of Chancery, Del. Code, Vol. 17 (as modified by above-referenced orders).

Authority: Court Rules; Administrative Directive 155; Administrative Directive 155, amended

District of Columbia

Rule 53(b) of the Superior Court Rules of Criminal Procedure, Rule 203(b) of the Superior Court Rules of Civil Procedure, Superior Court Juvenile Proceedings Rule 53(b), and Superior Court Domestic Relations Rule 203(b) forbid "[t]he taking of photographs, or radio or television broadcasting" coverage of trial proceedings. That said, in certain circumstances, photography may be permitted under Juvenile Court Rule 53(b)(2) or Criminal Court Rule 53(b)(2), which permits photography "in any office or other room of the division" upon the consent of the person in charge of the office or room and the person or people being photographed.

Coverage is also prohibited in Appellate proceedings.

Authority: All rules cited in the foregoing paragraph are contained in D.C. Code Ann. (Court Rules-D.C. Courts).

Webcast: D.C. Court of Appeals (no archives)

Florida

Electronic media and still photography coverage of proceedings is allowed in both the appellate and trial courts. Coverage is subject only to the authority of the

presiding judge who may prohibit coverage to control court proceedings, prevent distractions, maintain decorum, and assure fairness of the trial. Exclusion of the media is permissible only where it is shown that the proceedings will be adversely affected because of a "qualitative difference" between electronic and other forms of coverage. *Florida v. Palm Beach Newspapers*, 395 So. 2d 544 (1981). Two still cameras operated by one photographer are allowed in trial and appellate courtrooms at one time. In trial proceedings only one television camera is allowed, while in appellate proceedings, two television cameras operated by one camera person is allowed. The media are responsible for arranging pooling agreements.

Authority: Rule 2.170, Rules of Judicial Administration, Florida Rules of Court (West) (2007).

Georgia

Rule 18 of the Probate Court Rules, Rule 11 of the Magistrate Court Rules and Rules 26.1 and 26.2 of the Juvenile Court Rules provide guidelines for extended media coverage of those judicial proceedings. If the court elects to grant approval for expanded media coverage of a proceeding must be "without partiality or preference to any person, news agency, or type of electronic or photographic coverage." Those requesting coverage in these proceedings must file a "timely written request" on a form provided by the court with the judge involved in the specific proceeding prior to the hearing or trial. The judge, at his or her discretion, may allow only one television or still photographer in the courtroom at any one time, thereby requiring a pooling arrangement. Any additional lights or flashbulbs must be approved by the judge beforehand. Lastly, under the Juvenile Court Rules, pictures of the child in juvenile proceedings are expressly prohibited.

The Superior Court's Rule 22, in addition to the above requirements, prohibits photographing or televising members of the jury, unless "the jury happens to be in the background of the topics being photographed."

In the Court of Appeals, written requests for coverage must be submitted at least seven days in advance. Further, radio and television media are required to supply the Court with a video or audio tape, respectively, of all proceedings covered. Only one "pooled" television camera with one operator and one still photographer, with not more than two cameras, is allowed in the courtroom at any one time.

In the Supreme Court, coverage is allowed without prior approval from the Court and the Supreme Court retains exclusive authority to limit, restrict, prohibit and terminate coverage. No more than four still photographers and four television cameras will be permitted in the courtroom at any time. All television cameras are restricted to the alcove of the courtroom, while still photographers may sit anywhere in the courtroom designated for use by the public.

Authority: Rules 75-91, Supreme Court Rules; Rules 26.1 and 26.2, Juvenile Court Rules; Rule 18, Probate Court Rules; Rule 11, Magistrate Court Rules; Rule 22, Superior Court Rules, Georgia Rules of Court Annotated (West).

Hawaii

Electronic media and still photography coverage of proceedings is allowed in both the appellate and trial courts. Consent of the judge prior to coverage of a trial proceeding is required, but prior consent of the judge is not required for coverage of appellate proceedings. The judge may rule on the request orally and on the record or by written order if requested by any party. A request for coverage will be granted unless good cause is found to prohibit it. Good cause for denying coverage is presumed to exist when the proceeding is for the purpose of determining the admissibility of evidence, when child witnesses or complaining witnesses in a criminal sexual offense case are testifying, when testimony regarding trade secrets is being given, when a witness would be put in substantial jeopardy of bodily harm, or when testimony of undercover law enforcement agents involved in other ongoing undercover investigations is being received. Coverage of proceedings, which are closed to the public is prohibited. These proceedings include juvenile cases, child abuse and neglect cases, paternity and adoption cases, and grand jury proceedings. Coverage of jurors or prospective jurors is prohibited. Only one television camera and one still photographer, with not more than two still cameras are allowed in the courtroom at one time (although the judge may allow more at his/her discretion) and the media are responsible for arranging pooling agreements.

Authority: Rules 5.1, 5.2, Rules of the Supreme Court, Hawaii Court Rules (West).

Idaho

Rule 45 of the Idaho Court Administrative Rules (ICAR) allows extended coverage of all public proceedings, provided permission to cover a proceeding is obtained in advance from the presiding judge, and ICAR Rule 46 provides guidelines for the use of cameras in appellate proceedings.

In trial courts, the presiding judge may prohibit coverage or order that the identity of a participant be concealed when such coverage would have a substantial adverse effect upon that participant. Coverage of the jury, adoptions, mental health proceedings and other proceedings closed to the public is prohibited. Permission to photograph or broadcast a proceeding must be sought, in advance, from the presiding judge. Electronic flash or artificial lighting is prohibited, and the television camera may not "give any indication of whether it is operating". Only one still photographer and one camera operator is permitted in the courtroom, and any pooling arrangements must be made by the media. Still photographers must keep "the number of exposures . . . to a minimum."

Pursuant to ICAR Rule 46(a), photography is limited to designated areas of the Supreme Court Courtroom. While video cameras are permitted on a first-come basis, no more than two (2) still photographers are permitted at any one time. Live coverage of proceedings in the Supreme Court Courtroom may be prohibited in the interest of justice. Flash photography or the use of additional lighting for video photography is prohibited. No separate microphones may be used.

In all other appellate proceedings, ICAR Rule 46(b) imposes many of the same requirements as 46(a); however, microphone and video pooling is required.

Authority: Rules 45 & 46, Idaho Court Administrative Rules (2007).

Illinois

Illinois Revised Statutes, Chapter 735, § 8-701 specifies that no witness will be compelled to testify in any court in the State if any portion of his testimony is to be covered. Rule 63(A)(7) allows coverage pursuant to an order of the Illinois Supreme Court, while coverage of trial court proceedings is prohibited. For coverage of appellate proceedings, consents are not required, although the judge or presiding officer, with good cause, may prohibit or terminate coverage at any time. Those wishing to cover a particular proceeding must notify the appropriate clerk of the court not less than five "court" days prior to the date the proceeding is scheduled to begin. Only one television camera and one still camera, each operated by one camera-person, is permitted in the courtroom at any one time. No equipment or clothing of media personnel can have marks that identify any individual medium or network affiliation. Artificial lighting of any kind is not allowed, and the media are responsible for any pooling arrangements.

Authority: Rule 63(A)(7), Rules of the Illinois Supreme Court(2000); Chapter 735, §8-701, Illinois Compiled Statutes Annotated(2000); Supreme Court Orders of November 29, 1983 and January 22, 1985.

Indiana

Extended media coverage of oral arguments before the Indiana Supreme Court is allowed. Requests for coverage are to be made at least 24 hours prior to the start of the proceeding.

Beginning September 1, 1997 and continuing indefinitely, the Indiana Court of Appeals will allow extended media coverage of its proceedings. Requests for coverage are to be made at least 48 prior to the start of the oral argument.

The Indiana Supreme Court authorized a pilot project for video and audio coverage of proceedings in certain Indiana courtrooms. The project, which lasts from June 6, 2006 through December 31, 2007, permits certain trial judges to consent to media coverage, subject to certain restrictions. Specifically, judges must prohibit coverage of police informants, undercover agents, minors, victims of sexual offenses, jurors, witnesses at sentencing hearings, bench conferences, attorney-client communications, and conversations among counsel. Equipment is limited to no more than one still camera, one video camera, and three audio recording devices, and coverage may not intrude upon the proceedings. Journalists should consult the implementing order for additional details and a list of eligible courtrooms.

All appellate oral arguments are webcast live, and the courts maintain an archive of webcast arguments from 2001 to date.

Authority: Order Nos. 94S00-9901-MS-59 and 94S00-0605-MS-166.

Supreme Court Media Guidelines

Iowa

Extended media coverage, defined as "broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public," is generally permitted upon application to the presiding judge. Iowa's rules require that permission for extended media coverage be granted, unless the coverage will interfere with the rights of the parties or a witness or party provides a good cause why coverage should not be permitted. In certain types of proceedings, such as sexual abuse or criminal trials, witness or party consent is required.

Extended media coverage is not permitted, however, during jury selection or if a private proceeding is required by law. Prolonged or unnecessary coverage of jurors should be prevented to the extent practicable.

Written requests to use photographic equipment, television cameras, etc. must be made, in advance to the Media Coordinator, and equipment must meet certain specifications. Flash photography and other supplemental light sources are prohibited. Pooling arrangements must be made by the media.

All regularly scheduled Supreme Court oral arguments taking place in the Supreme Court's courtroom are subject to expanded media coverage and are *not* subject to objections by witnesses or parties. Additionally, all Supreme Court oral arguments are streamed over the internet.

Authority: Ch. 25, Iowa Court Rules (2007).

Webcast: Supreme Court Oral Arguments

Kansas

Rule 1001 of the Kansas Supreme Court authorizes extended media coverage of appellate and trial court proceedings and extends coverage to state municipal court proceedings. Under this rule, coverage is permissible only by the news media and educational television stations and only for news or educational purposes.

The media must give at least one week's notice of its intention to cover a proceeding. However, this requirement may be waived upon a showing of good cause. Photographing of individual jurors is prohibited, and where coverage of the jury is unavoidable, no close-ups may be taken. Consents of the participants are not required. The presiding judge may prohibit coverage of individual participants at his discretion; however, if a participant is a police informant, undercover agent, relocated or juvenile witness, or victim/witness and requests not to be covered, the judge must prohibit coverage of that person. Coverage of a participant in proceedings involving motions to suppress evidence, divorce, or trade secrets will also be prohibited, if the participant so requests. Coverage of materials on counsel

tables, photographing through the windows or open doors of the courtroom also is prohibited. Moreover, criminal defendants may not be photographed in restraints as they are being escorted to or from court proceedings prior to rendition of the verdict. Only one television camera, operated by one person, and one still photographer, using not more than two cameras, are authorized in any one court proceeding.

Authority: Rule 1001, Rules of the Kansas Supreme Court, Kansas Court Rules and Procedures - State and Federal (1999).

Kentucky

Electronic coverage is permitted in all appellate and trial court proceedings. Consents of the parties are not required, but coverage is subject to the authority of the presiding judge. Requests for coverage should be made to the judge presiding over the proceeding for which coverage is desired. Coverage of attorney-client conferences or conferences at the bench are prohibited. Only one television camera and one still photographer, with not more than two still cameras are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements. Juvenile proceedings are closed to the public. KRS 610.070

Authority: Standards of Conduct and Technology Governing Electronic Media and Still Photography Coverage of Judicial Proceedings, Rules of the Kentucky Supreme Court, Ky. Rev. Stat. Ann. (2007).

Reporters Handbook on Covering Kentucky Courts

Louisiana

Electronic coverage of appellate proceedings is allowed, while coverage at the trial level is generally prohibited. Those wishing to cover trial-level proceedings should consult with the courts of that district or parish concerning coverage. At the appellate level, obtaining the consent of the involved parties is not required, although the Court may prohibit coverage upon its own motion or if an objection is made by a party. Notice of intent to cover a proceeding must be made at least 20 days in advance or, in expedited proceedings, within a reasonable time before the proceeding is scheduled to occur. No more than two television cameras, each operated by no more than one camera person, and one still photographer, using not more than two still cameras with not more than two lenses for each camera, will be permitted in the courtroom during proceedings. In addition, the media are responsible for any pooling arrangements.

Authority: Canon 3A(7), Louisiana Code of Judicial Conduct & Appendix (1999).

Maine

Extended media coverage is authorized in all civil matters but coverage in criminal matters is limited to arraignments, sentencing and other non-testimonial

proceedings. Coverage of divorce, annulment, support, domestic abuse and violence, child custody and protection, adoption, paternity, parental rights, sexual assault, trade secrets, and juvenile proceedings is prohibited. Coverage of the jury and any proceeding in which a living child is a principal subject is also prohibited. Requests for coverage should be made to the clerk of the court at which coverage is desired. Only one television camera, operated by one person and two still photographers, each with only one camera may be in the courtroom at any one time. The cameras may not have any "insignia or other indication of organizational affiliation". Pooling arrangements are the sole responsibility of the media.

Authority: Administrative Order--Cameras in the Courtroom (July 11, 1994) (West, 2000).

Maryland

In the absence of a statutory provision requiring close proceedings or permitting closed proceedings, coverage is permitted at civil trials, upon written consent of all the parties. Consent is not required, however, from a party that represents the government, or from an individual being sued in his or her governmental capacity. At the appellate level, consent is not required, but a party may move to limit or terminate coverage at any time. Requests for coverage must be submitted to the clerk of the court where the proceedings will be held at least five days before the trial begins. Coverage of jury selection, jurors or courtroom spectators, private conferences between an attorney and a client or conferences at the bench is prohibited. Not more than one television camera is permitted in any trial court proceeding, and not more than two are allowed in appellate proceedings. Only one still photographer, with not more than two cameras with not more than two lenses each, is allowed in both trial and appellate proceedings. Pooling arrangements are the sole responsibility of the media.

Coverage is prohibited in criminal trials.

Authority: Rule 16-109, Maryland Rules Annotated, (2007); MD Code, Criminal Proc. § 1-201 (2007).

Massachusetts

Rule 1:19 of the Supreme Judicial Court of Massachusetts permits extended coverage of all proceedings open to the public except hearings on motions to suppress or to dismiss, or of probable cause or jury selection hearings. Close-up short of bench conferences, conferences between attorneys, or attorney-client conferences is prohibited. Frontal and close-up photography of the jury "should not usually be permitted." The media must submit requests for coverage to the presiding judge "reasonably" in advance of the proceeding to be covered, or risk denial. Before a party or a witness may move to limit media coverage, it must first notify the Bureau Chief, Newspaper Editor, or Broadcast Editor of the Associated Press. Oral arguments before the Supreme Judicial Court are available by webcast.

Authority: Rule 1:19, Rules of Massachusetts Supreme Judicial Court, (2004).

Guidelines on the Public's Right of Access to Judicial Proceedings and Records (2000).

Webcast: Supreme Judicial Court

Michigan

Extended coverage of judicial proceedings is permitted, but requests for coverage must be made in writing not less than three business days before the proceeding is scheduled to begin. A judge may terminate, suspend or exclude coverage at any time upon a finding, made and articulated on the record that the rules for coverage have been violated or that the fair administration of justice requires such action. Such decisions are not appealable. Coverage of jurors or the jury selection process is not permitted. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to, the victims of sex crimes and their families, police informants, undercover agents and relocated witnesses.

Authority: Canon 3A(7), Michigan Code of Judicial Conduct, Michigan Rules of Court 1986; Administrative Order No.1989-1, Film or Electronic Media Coverage of Court Proceedings

Minnesota

Expanded coverage is permitted at both the trial and appellate level, but at the trial level, the judge and all parties must consent to coverage prior to commencement of the trial. All courtroom coverage must occur in the presence of the presiding judge. Coverage of witnesses who object prior to testifying and coverage of jurors is prohibited, as is coverage of hearings that take place outside of the presence of the jury. Coverage is prohibited in cases involving child custody, divorce, juvenile proceedings, hearings on suppression of evidence, police informants, relocated witnesses, sex crimes, trade secrets, and undercover agents. Judges and media representatives must inform the Supreme Court of denials of coverage requests and the reason for such denials.

At the appellate level, consents of the parties and witnesses are not required, but the Clerk of the Appellate Courts must be notified of an intent to cover the proceedings at least 24 hours in advance of the coverage. Only one television camera and one still photographer, using not more than two cameras with two lenses each are permitted in the courtroom during proceedings. The media are responsible for arranging pooling agreements.

Authority: Canon 3A(10), Minnesota Code of Judicial Conduct, Minn. Stat. Ann. vol. 52 (West); Rule 4, General Rules of Practice for the District Courts, Minn. Stat. Ann. vol. 51 (1999).

Policy Guidelines

Mississippi

Electronic media coverage of judicial proceedings (trial, pre-trial hearings, post-trial hearings and appellate arguments) is permitted in Mississippi's Supreme Court, Court of Appeals, chancery courts, circuit courts and county courts. Mississippi's Rules for Electronic and Photographic Coverage of Judicial Proceedings ("MREPC"), effective July 1, 2003, prohibit electronic media coverage in justice and municipal courts.

Electronic coverage is subject to the authority of the presiding judge who may limit or terminate coverage at any time if there is a need to protect (1) the rights of the parties or witnesses, (2) the dignity of the court or, (3) to assure orderly conduct of the proceedings. Any party may object by written motion, filed no later than 15 days prior to the proceeding, unless good cause allows for a shorter filing period. Under MREPC the media is required to notify the clerk and the court of any plans to cover a proceeding at least 48 hours prior to the proceeding.

The media must comply with certain coverage restrictions. Electronic coverage of police informants; minors; undercover agents; relocated witnesses; victims and families of victims of sex crimes; victims of domestic abuse, and members or potential members of the jury (before their final dismissal) is expressly prohibited. In addition, audio recordings of off-the-record conferences and coverage of closed proceedings are also prohibited. Similarly, coverage of divorce; child custody; support; guardianship; conservatorship; commitment; waiver of parental consent to abortion; adoption; delinquency and neglect of minors; paternity proceedings; termination of parental rights; domestic abuse; motions to suppress evidence; proceedings involving trade secrets; and in camera proceedings are prohibited unless authorized by the presiding judge.

Only one television camera, one video recorder, one audio system, and one still camera are allowed in the courtroom at one time and the media are responsible for pooling arrangements. If the media cannot agree to a pooling arrangement, all contesting media personnel shall be excluded from the proceeding. Electronic media coverage may not distract from the courtroom proceedings, and in accordance with this principle, no artificial, flash or strobe lighting is allowed in the courtroom without the notification and approval of the presiding judge. All wires must be taped to the floor and equipment may only be moved before or after a proceeding or during a recess. The presiding judge may "relax" the technical restrictions so long as no distractions are created.

Authority: Rules for Electronic and Photographic Coverage of Judicial Proceedings ("MREPC"); Cannon 3B(12), Code of Judicial Conduct of Mississippi Judges; Rule 1.04, Uniform Rules of Circuit and County Courts, Mississippi Rules of Court.

Missouri

Media coverage at both the trial and appellate levels are permitted, but coverage of jury selection, juvenile, adoption, domestic relations, and child custody cases is not permitted. Requests for coverage must be made to the media coordinator, in writing, at least five days in advance of the scheduled proceeding, and the media coordinator must then give written notice of the request to counsel for all parties,

parties appearing without counsel and the judge at least four days in advance of the proceeding. Coverage of objecting participants who are victims of crimes, police informants, undercover agents, relocated witnesses, or juveniles is prohibited. Further, the judge may prohibit coverage of any or all of a participant's testimony, either upon the objection of the participant, party, or the court's own motion. Only one television camera and one still photographer, using not more than two cameras with two lenses each, are allowed in the courtroom at any one time. The media are responsible for all pooling arrangements.

Authority: Administrative Rule 16, Missouri Supreme Court Rules, (2005).

Montana

Coverage of trial and appellate courts is permitted, though judges may restrict coverage of proceedings upon a finding that media coverage will "substantially and materially interfere with the primary function of the court to resolve disputes fairly under the law."

Authority: Canon 35, Montana Canons of Judicial Ethics, 176 Mont. xxiii, 6 Media L. Rep. (BNA) 1543 (1980).

Nebraska

Media coverage in the Supreme Court and Court of Appeals is explicitly permitted, but this right is only afforded to "persons or organizations which are part of the news media." Party consent is not required, although a party may file an objection to media coverage before commencement of the proceeding in question.

Authority: Rules 17, 18; Rules of the Supreme Court/Court of Appeals; Nebraska Court Rules and Procedure (West).

Reporters' Guide to Media Law and Nebraska Courts

Nevada

Extended media coverage is permitted, at the judge's discretion except for certain proceedings which are made confidential by law. Obtaining the consent of the participants is not required, but the judge may prohibit coverage of any participant who does not consent to being filmed or photographed. Requests for coverage must be made in writing at least 72 hours in advance of the proceeding, but the judge may grant a request on shorter notice for "good cause." Deliberate coverage of jurors or of conferences of counsel is not allowed. No more than one television camera and one still photographer are allowed in a proceeding at any one time, and the media are responsible for any pooling arrangements.

Authority: Nevada Supreme Court Rules, Part IV, Rules on Cameras and Electronic

Media Coverage in the Courts, (2006).

New Hampshire

Rule 19 of the Rules of the Supreme Court of New Hampshire permits coverage of that court's proceedings subject to the Court's consent.

Rule 78 of the Rules of the New Hampshire Superior Court exhorts judges to permit the media coverage of all proceedings open to the general public, unless the coverage creates a substantial likelihood of harm to a person or party. While those wishing to cover a proceeding must obtain the court's permission, in Petition of WMUR Channel 9, 148 N.H. 644 (2002), the New Hampshire Supreme Court stated that permission *should* be granted unless four requirements are met: "(1) closure advances an overriding interest that is likely to be prejudiced; (2) the closure ordered is no broader than necessary to protect that interest; (3) the judge considers reasonable alternatives to closing the proceedings; and (4) the judge makes particularized findings to support the closure on the record." Id. Photography of jurors is prohibited.

The media rule of the New Hampshire District Courts is substantially similar to that of the Superior Court. The differences between the two courts' media rule arise provide that upon the petition of any party the court may, in its discretion, permit coverage of its judicial proceedings.

Authority: Rule 19, New Hampshire Supreme Court Rules; Rule 78, New Hampshire Superior Court Rules and Directory; Rule 1.4, New Hampshire District and Municipal Court Rules, (2000).

New Jersey

Canon 3A(9) of the New Jersey Code of Judicial Conduct exhorts judges to allow "bona fide media" to cover proceedings. To this end, the Supreme Court has issued a set of guidelines for media coverage, which grants judges some latitude in limiting coverage, especially where the coverage may result in a substantial likelihood of harm to a witness or party. Unlike other jurisdictions, the media are granted the right to appeal any order excluding or varying coverage. Photography of the jury is prohibited, and photography and audio recording is prohibited in certain types of proceedings, such as juvenile proceedings, proceedings to terminate parental rights, child abuse/neglect proceedings, custody proceedings, and "proceedings involving charges of sexual contact or charges of sexual penetration or attempts thereof when the victim is alive." Photography and audio recordings of crime victims under the age of 18 or witnesses under the age of 14 may be permitted at the trial judge's discretion. Additionally, while coverage of juvenile proceedings is usually forbidden, courts, in their discretion, may allow coverage of 17-year old defendants in proceedings involving motor vehicle violations. The media are responsible for pooling arrangements.

Authority: Canon 3A(9), Code of Judicial Conduct; Supreme Court Guidelines for Still and Television Camera and Audio Coverage of Proceedings in the Courts of

New Jersey (2003).

Webcast: Archive of Supreme Court Oral Arguments (Webcasts)

New Mexico

Electronic coverage of proceedings in the state's appellate and trial courts is permitted, although the judge may limit or deny coverage for good cause. The judge also has wide discretion to exclude coverage of certain types of witnesses, including, but not limited to, the victims of sex crimes and their families, police informants, undercover agents, relocated witnesses and juveniles. Filming of the jury or any juror is prohibited, as is filming of jury selection. Coverage of any attorney-client or attorney-court conferences is prohibited. Those wishing to cover a proceeding must notify the clerk of the particular court at least 24 hours in advance of the proceeding. Only one television camera and two still photographers, each with one camera are allowed in the courtroom at any one time, and any pooling arrangements are the responsibility of the media.

Authority: Rule 23-107, New Mexico Supreme Court General Rules, (2000).

New York

Appellate Courts

Electronic photographic recording of proceedings in appellate courts is permitted, subject to the approval of the respective appellate court. Consent to coverage by parties or the attorneys is not required and any objections by attorneys or parties are limited to those showing good cause. Only two television cameras and two still photographers are allowed in the courtroom at any one time, and coverage is subject to various other technical conditions concerning media equipment.

Trial Courts

Section 52 of the Civil Rights Law ("Section 52") imposes a per se ban on all televising of trial court proceedings, no matter what the circumstances of the case or the assessment of the presiding judge. The statute became effective on July 1, 1997, when Section 218 of the Judiciary Law ("Section 218") expired by operation of law. For all but one of the prior ten years, Section 218 had allowed, subject to specific limits in certain types of cases and with respect to certain trial participants, the televising of trials in New York State. In 1997, the Legislature failed to renew Section 218, resulting in the reimposition of Section 52, and thus barring extended coverage of trial proceedings. In response to the per se ban, a number of trial judges ruled Section 52 unconstitutional and permitted camera coverage. On June 16, 2005, however, the New York Court of Appeals effectively ended the debate by affirming a lower court's holding that Section 52 is constitutional. Unless the Legislature enacts a statute overruling the Court of Appeals, cameras will not be allowed in trial court proceedings for the foreseeable future.

Authority: Courtroom Tel. Network, LLC v. New York; New York Civil Rights Law § 52 (trial court); 22 NYCRR §§ 29.1-29.2 (appellate court); NY CLS Standards & Administrative Policies § 131 (2000).

North Carolina

The rules for coverage require that the equipment and personnel used in coverage be neither seen nor heard by anyone inside the courtroom and that all personnel and equipment be located in an area set apart by a booth or partition with appropriate openings to allow photographic coverage. The presiding trial judge may permit coverage without booths, however, if coverage would not disrupt the proceedings or distract the jurors. The Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals may waive the booth requirements in proceedings in these courts. Hand-held audio tape recorders may be used upon prior notification to, and with the approval of, the presiding judge.

The rules do not require the consents of participants, but prohibit coverage of jurors. In addition, coverage of certain types of proceedings, such as adoption, divorce, juvenile proceedings, and trade secrets cases, is prohibited. Coverage of certain types of witnesses, such as police informants, undercover agents, victims of sex crimes and their families, and minor witnesses is also not permitted. Only two television cameras and one still photographer are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Rule 15, General Rules of Practice for the Superior and District Courts of North Carolina, North Carolina Rules of Court (2000).

North Dakota

Extended media coverage is authorized in all courts. The judge may deny media coverage of any proceeding or portion of a proceeding in which the judge determines that media coverage would materially interfere with a party's right to a fair trial or when a witness or party objects and shows good cause why expanded coverage should not be permitted. The judge may also deny coverage if: the coverage would include testimony of an adult victim or witness in sex offense prosecutions; or would include a juvenile victim or witness in proceedings in which illegal sexual activity is an element of the evidence; or coverage would include undercover or relocated witnesses.

Coverage of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the bench may not be recorded or received by sound equipment. Further, close up photography of jurors is also prohibited.

Requests for expanded media coverage of the Supreme Court must be made at least seventy-two hours before the proceeding and must be made by regular mail and, if possible, by facsimile with copies to counsel of record.

Requests for expanded media coverage of trial court proceedings must be made to the presiding judge at least seven days before the proceeding. Notice of the request must be given to all counsel of record and any pro se parties. The notice must be in writing and filed with proof of service with the clerk of the appropriate court.

Authority: Administrative Rule 21; (North Dakota Court Rules).

Ohio

Rule 12 of the Rules of Superintendence for the Courts of Ohio requires judges to permit coverage of proceedings that are open to the public, subject to certain exceptions.

At the trial level, coverage of objecting witnesses and victims is prohibited. The judge is also required to inform victims and witnesses of their right to object to coverage. Requests for coverage must be submitted to the presiding judge, as the consent of the judge is required for coverage to take place. Only one still photographer and one television camera are permitted in the courtroom, unless the judge grants permission to use additional cameras. Coverage of attorney-client conferences and any bench conferences is prohibited. In addition to these rules, local courts may impose additional obligations and requirement for extended coverage.

Rule 12 may be modified by local rules. For example, the Hamilton County Court of Common Pleas requires broadcasters to use the court's audio system and permits coverage requests to be made up to thirty (30) minutes before the start of the proceeding.

Authority: Rule 12, Rules of Superintendence for the Courts of Ohio (2005); Hamilton County Common Pleas Rule 30.

Oklahoma

Trial and appellate coverage is permitted, but express permission of the judge is required. Coverage of objecting witnesses, jurors, or parties is not permitted in either criminal or civil proceedings. Moreover, no coverage is allowed in criminal trials without the express consent of all accused persons.

Authority: Title 5, Oklahoma Statutes, Chapter 1, Appendix 4, Canon 3B(9).

Oregon

In the appellate courts, broad discretion to permit or deny coverage is vested in the judge, who may deny coverage to "control the conduct of the proceedings before the court, insure decorum and prevent distractions, and insure the fair administration of justice in proceedings before the court." Only one television camera and one still

photographer are allowed in the courtroom at any one time, and any pooling arrangements are the responsibility of the media.

At the trial court level, coverage is allowed, but a judge may deny coverage if there is a "reasonable likelihood" that the coverage would interfere with the rights of the parties to a fair trial, would affect the presentation of evidence or the outcome of the trial, or if "any cost or increased burden resulting" from the coverage would interfere with the "efficient administration of justice." Coverage of dissolution, juvenile, paternity, adoption, custody, visitation, support, mental commitment, trade secrets, and abuse, restraining and stalking order proceedings is prohibited. Also, coverage of sex offense proceedings will be prohibited at the victim's request. Upon request, those covering a proceeding must provide a copy of the coverage to the court and "any other person, if the requestor pays actual copying expense."

Courts may adopt local rules to establish procedural requirements governing media access.

Authority: Rule 8.35, Rules of Appellate Procedure; Rule 3.180 Uniform Trial Court Rules, Oregon Rules of Court-State (2006).

Pennsylvania

Photography or broadcasting of judicial proceedings is generally prohibited in both civil and criminal trials. Canon 3A(7) does, however, permit judges to authorize media coverage of non-jury civil proceedings. Coverage of support, custody, and divorce proceedings is prohibited. A judge may only authorize coverage with the consent of the parties. Additionally, coverage of objecting witnesses is prohibited. Media wishing to seek permission to cover a proceeding should speak in advance with the courtroom tipstaff, as the presiding judge must expressly authorize coverage.

Coverage is prohibited in proceedings before District Justices.

Local rules may vary.

Authority: Canon 3A(7), Code of Judicial Conduct; Rule 112, Pennsylvania Rules of Criminal Procedure; Rule 223, Pennsylvania Rules of Civil Procedure (Official Note); Rule 7, Rules of Conduct, Offices Standards and Civil Procedure for District Justices (2005).

Rhode Island

Extended coverage is prohibited in all trial-level criminal proceedings. At the appellate level and in civil proceedings, the judges have "sole discretion" to "entirely exclude media coverage of any proceeding or trial over which he or she presides." Exclusion by the trial court may also be based on a party's request for non-coverage. Coverage of juvenile, adoption or any other matters in the Family Court "in which juveniles are significant participants" is prohibited. Coverage of hearings

which take place outside of the jury's presence (e.g., hearings regarding motion to suppress evidence) is not permitted. After the jury has been impaneled, individual jurors may be photographed, with their consent. Where photographing of the jury is unavoidable, close-ups that clearly identify individual jurors are not permitted.

Only one television camera and one still photographer, using not more than two cameras, are allowed in the courtroom, and the media must arrange for any pooling arrangements.

Authority: Article VII, Rhode Island Supreme Court Rules, Rhode Island Court Rules Annotated; Rule 53, Rhode Island Superior Court Rules of Criminal Procedure (2005).

South Carolina

Extended media coverage is permitted, but presiding judges are given significant discretion to limit coverage. Those wishing to cover a proceeding must give the presiding judge "reasonable notice" of the request for coverage, and the judge may request a written notice. The judge may also refuse, limit or terminate media coverage of an entire case, portions thereof, or testimony of particular witnesses. Coverage of prospective jurors is prohibited and members of the jury may not be photographed except when they happen to be in the background of other subjects being photographed. Two television cameras and two still-photographers are allowed in the courtroom at one time, and the media are responsible for any pooling arrangements. Media personnel's equipment and clothing must not "bear the insignia or marking of any media agency," and the cameraperson must wear "appropriate business attire."

Authority: Rule 605 and Part 6, Appendix B, Form 1, South Carolina Appellate Court Rules, South Carolina Rules of Court (2007).

South Dakota

Extended coverage of trial and intermediate appellate court proceedings is prohibited. Expanded media coverage of Supreme Court proceedings is permitted. Under Rule 15-24-6, public appellate proceedings are presumed open, but parties may file an objection to such coverage 10 days prior. The rule provides that media coverage may not be limited unless it is shown that such coverage would materially interfere with the rights of the parties or the administration of justice.

Authority: Canon 3B(12), South Dakota Code of Judicial Conduct, S.D. Codified Laws, § 15-24-6.

Webcasts: South Dakota Supreme Court Oral Arguments

Tennessee

Extended coverage is permitted in all courts. Requests for coverage must be made in writing to the presiding judge not less than two business days before the proceeding. Coverage of a witness, party or victim who is a minor is prohibited except when a minor is being tried for a criminal offense as an adult. Coverage of the jury selection and the jurors during the proceeding is also prohibited.

In juvenile court proceedings, the court will notify parties and their counsel that a request for coverage has been made and prior to the beginning of the proceedings, the court will advise the accused, the parties and the witnesses of their right to object. Objections by a witness in a juvenile case will limit coverage of that witness. Objections to coverage by the accused in a juvenile criminal case or any party in a juvenile civil action will prohibit coverage of the entire proceeding.

Only two television cameras and two still photographers, using not more than two cameras each, are allowed in the courtroom at one time. The media are responsible for any pooling arrangements.

Appellate review of a presiding judge's decision to terminate, suspend, limit, or exclude media coverage shall be in accordance with Rule 10 of the Tennessee Rules of Appellate Procedure.

Authority: Rule 30, Rules of the Tennessee Supreme Court, Tenn. Code Ann., Vol. 5A (2007).

Texas

Rule 18c, Texas Rules of Civil Procedure, and Rule 14, Texas Rules of Appellate Procedure, provide for the recording and broadcasting of civil court proceedings.

Rule 18c allows television, radio and photographic coverage with the consent of the trial judge, the parties and each witness to be covered. Coverage also may not "unduly distract participants or impair the dignity of the proceedings."

Rule 14 technically permits coverage of civil and criminal appellate proceedings. Requests for coverage at the appellate level must be filed five days prior to the proceeding, and coverage may be subject to other limitations imposed by the presiding judge(s). Those seeking coverage at the trial level should check with the local court, as the Supreme Court has approved local rules submitted by counties and cities in the state to allow coverage of trial proceedings and will continue to do so.

Authority: Rule 18c, Rules of Civil Procedure; Rule 14, Rules of Appellate Procedure (2007).

Utah

Under Rule 4-401, filming, video recording and audio recording of appellate

proceedings is permitted to preserve the record and as permitted by procedures of those courts, but is prohibited in trial proceedings except to preserve the record. Still photography of trial and appellate proceedings is permitted at the discretion of the presiding judge. Requests for still photography coverage should be made at least 24 hours prior to the proceeding but will be considered less than 24 hours ahead for good cause.

Authority: Rule 4-401, Utah Code of Judicial Administration (2000).

Vermont

Extended media coverage of Supreme Court proceedings is permitted without the consent of the full court, but the Chief Justice has discretion to prohibit coverage. Audio recording of conferences between members of the Court, between co-counsel or between counsel and client is prohibited. Only two television cameras, each operated by one cameraperson, and one still photographer, using not more than two cameras, are permitted in the Supreme Court at any one time.

At the trial level, coverage is permitted in the courtroom and in immediately adjacent areas that are generally open to the public. Consent of parties and witnesses is not required, but the trial judge has discretion to prohibit, terminate, limit or postpone coverage on the judge's own motion or on a motion of a party or request of a witness.

Coverage of jurors is prohibited, except in the background when courtroom coverage would be otherwise impossible. While the rules do not ban coverage of specific types of cases, the reporter's note accompanying the rule suggests that coverage of sex offense, domestic relations, trade secret cases or offenses in which the victim is a minor may be inappropriate. This issue is left to the discretion of the trial judge to evaluate on a case-by-case basis. No proceeding that is closed to the public, by statute, may be covered. Only one television camera, operated by one cameraperson, and one still photographer, using not more than two cameras, are permitted in the courtroom at any one time. The media are responsible for any pooling arrangements. There is no right to an interlocutory appeal of a decision to prohibit or limit coverage.

Authority: Rule 35, Vermont Rules of Appellate Procedure; Rule 53, Vermont Rules of Criminal Procedure; Rules 79.2 & 79.3, Vermont Rules of Civil Procedure; 79.2, Rules of Probate Procedure (2000).

Vermont Rules

Virginia

Extended media coverage of both trial and appellate proceedings is permitted in the sole discretion of the trial judge. Coverage of jurors as well as certain kinds of witnesses (police informants, minors, undercover agents and victims and families of victims of sexual offenses) is prohibited. Media coverage of adoption, juvenile, child custody, divorce, spousal support, sexual offense, trade secret and in camera

proceedings and hearings on motions to suppress evidence is prohibited as well. Not more than two television cameras and one still photographer (using no more than two cameras) are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Va. Code Ann. § 19.2-266 (1992).

Washington

The Courts of Washington permit extended media coverage of trial and appellate courtroom proceedings. The presiding judge may place conditions on the coverage, and the judge must expressly grant permission and ensure that the media personnel will not distract participants or impair the dignity of the proceedings. If a judge finds that media coverage should be limited, he or she must make, on the record, particularized findings that relate to specific circumstances of the proceeding. Judges may not rely on "generalized views" to limit media coverage.

The Bench-Bar-Press Committee, established in 1963, seeks to "foster better understanding and working relationships between judges, lawyers and journalists who cover legal issues and courtroom stories." In addition to moderating disputes between the bench and the press, the Committee promulgates a nonbinding Statement of Principles as well as an annual report of its "Fire Brigade" (also known as its Liaison Committee).

Authority: Rule 16, General Rules, Washington Court Rules - State (West).

Bench-Bar-Press Committee
Fire Brigade's 2006 Report on Activities.

West Virginia

West Virginia's rules permit coverage of both trial and appellate proceedings but also permits a presiding judge to terminate coverage if he or she "determines that coverage will impede justice or create unfairness for any party." Requests for media coverage must be made at least one day in advance of the proceeding. The presiding judge may sustain or deny objections made by parties, witnesses and counsel to the coverage of any portion of a proceeding. Audio coverage of attorney-client meeting or any other conferences conducted between and among attorneys, clients, or the presiding judge is prohibited. Coverage that shows the face of any juror or makes the identity of any juror discernible is prohibited without juror approval. Only one television camera and one still photographer are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Canon 3B(12), West Virginia Code of Judicial Conduct; Rules Governing Camera Coverage of Courtroom Proceedings, West Virginia Code Annotated; Rule 8, West Virginia Trial Court Rules (2007); Media Coverage of Courtroom Proceedings in the Supreme Court of Appeals, Rule 1 (2007)

Wisconsin

Extended coverage is permitted, but the presiding judge retains the authority to determine whether coverage should occur and, upon a finding of cause, to prohibit coverage. The trial judge retains the power, authority and responsibility to control the conduct of proceedings, including the authority over the inclusion or exclusion of the media and the public at particular proceedings or during the testimony of particular witnesses under the experimental and permanent guidelines. A presumption of validity attends objections to coverage of participants in cases involving the victims of crimes (including sex crimes), police informants, undercover agents, juveniles, relocated witnesses, divorce, trade secrets, and motions to suppress evidence. An individual juror may be photographed only after his or her consent has been obtained. Photographs of the jury are permitted in courtrooms where the jury is part of the unavoidable background, but close-ups, which enable jurors to be clearly identified, are prohibited. Audio coverage of conferences between an attorney and a client, co-counsel, or attorneys and the trial judge is also prohibited. Three television cameras and three still photographers, using not more than 2 cameras each, are allowed in the courtroom to cover a proceeding. Disputes regarding a court's application of Chapter 61 are treated as administrative matters, which may not be appealed.

Authority: Chapter 61, Wisconsin Supreme Court Rules (1999).




Wyoming

Extended media coverage is allowed in at both the appellate and trial court levels. A request for media coverage must be submitted 24 hours or more prior to the proceedings. The media may not make any close-up photography or visual recording of the members of the jury, nor may it make an audio recording of conferences between attorney and client or between counsel and the presiding judge. Additionally, equipment may not be moved during a proceeding. The trial judge has broad discretion in deciding whether there is cause for prohibition of coverage. Requests to limit media coverage enjoy a presumption of validity in cases involving the victims of crimes, confidential informants, and undercover agents, as well as in evidentiary suppression hearings.

Authority: Rule 804, Uniform Rules of the District Courts of the State of Wyoming; Rule 53, Wyoming Rules of Criminal Procedure, (2007).

Last Updated May 25, 2007, courtesy of Matthew Gibson for Kathleen Kirby.

TAGS: Freedom Of Information, Cameras In The Courtroom, Guide, Cameras, Foi

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**RULES FOR EXPANDED MEDIA COVERAGE IN NEBRASKA TRIAL COURTS:
FIRST JUDICIAL DISTRICT**

- Rule 1. Definitions.
- Rule 2. General.
- Rule 3. Procedural.
- Rule 4. Technical.

RULES FOR EXPANDED MEDIA COVERAGE IN NEBRASKA TRIAL COURTS

These rules shall be effective, on an experimental basis, beginning March 12, 2008, and shall apply in the First Judicial District, district court judicial proceedings presided over by District Court Judges Paul W. Korslund and Daniel E. Bryan, where experimental video coverage has been authorized by the Nebraska Supreme Court pursuant to these rules. During the experimental period, the Nebraska Supreme Court Public Information Officer will serve as the media coordinator for the First Judicial District.

Rule 1. Definitions.

"Expanded media coverage" includes broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public.

"Good cause" for purposes of exclusion under this chapter means that coverage will have a substantial effect upon the objector which would be qualitatively different from the effect on members of the public in general and that such effect will be qualitatively different from coverage by other types of media.

"Judge" means the judge presiding in a trial court proceeding.

"Judicial proceedings" or *"proceedings"* includes all public trials, hearings, or other proceedings in a trial court, for which expanded media is requested, except those specifically excluded by this rule.

"Media coordinator" means the Nebraska Supreme Court Public Information Officer.

"Media representative" means Nebraska radio or television stations licensed by the Federal Communications Commission. In the event photographs are requested by a Nebraska newspaper, photographers must be employed by a recognized Nebraska news outlet.

Rule 2. General. Broadcasting, televising, recording, and photographing will be permitted in the courtroom and adjacent areas during sessions of the court, including recesses between sessions, under the following conditions:

(A) Permission first shall have been granted expressly by the judge, who may prescribe such conditions of coverage as provided for in this rule.

(B) Expanded media coverage of a proceeding shall be permitted, unless the judge concludes, for reasons stated on the record, that under the circumstances of the particular proceeding such coverage would materially interfere with the rights of the parties to a fair trial.

(C) Expanded media coverage of a witness also may be refused by the judge upon objection and showing of good cause by the witness. In prosecutions for sexual abuse, or for charges in which sexual abuse is an included offense or an essential element of the charge, there shall be no expanded media coverage of the testimony of a victim/witness unless such witness consents. Further, an objection to coverage by a

victim/witness in any other forcible felony prosecution, and by police informants, undercover agents, and relocated witnesses, shall enjoy a rebuttable presumption of validity. The presumption is rebutted by a showing that expanded media coverage will not have a substantial effect upon the particular individual objecting to such coverage which would be qualitatively different from the effect on members of the public in general and that such effect will not be qualitatively different from coverage by other types of media.

(D) Expanded media coverage is prohibited of any court proceeding which, under Nebraska law, is required to be held in private. In any event, no coverage shall be permitted in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties (including a parent or guardian of a minor child).

(E) Expanded media coverage of jury selection is prohibited. Expanded media coverage of the return of the jury's verdict shall be permitted with permission of the judge. In all other circumstances, however, expanded media coverage of jurors is prohibited except to the extent it is unavoidable in the coverage of other trial participants or courtroom proceedings.

The policy of the rules is to prevent unnecessary or prolonged photographic or video coverage of individual jurors.

(F) There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-counsel, or between counsel and the presiding judge held at the bench or in chambers.

(G) The quantity and types of equipment permitted in the courtroom shall be subject to the discretion of the judge within the guidelines as set out in these rules.

(H) Notwithstanding the provisions of any procedural or technical rules, the presiding judge, upon application of the media coordinator, may permit the use of equipment or techniques at variance therewith, provided the application for variance is included in the advance notice of coverage. All media representatives will direct communication through the media coordinator. Ruling upon such a variance application shall be in the sole discretion of the presiding judge. Such variances may be allowed by the presiding judge without advance application or notice if all counsel and parties consent to it.

(I) The judge may, as to any or all media participants, limit or terminate photographic or electronic media coverage at any time during the proceedings in the event the judge finds that rules have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by such manner of coverage if it is allowed to continue.

(J) The rights of photographic and electronic coverage provided for herein may be exercised only by persons or organizations which are part of the Nebraska news media.

(K) A judge may authorize expanded media coverage of ceremonial proceedings at variance with the procedural and technical rules as the judge sees fit.

Rule 3. Procedural.

(A) *Media Coordinator.* The Nebraska Supreme Court Public Information Officer shall serve as the media coordinator. The judge and all interested members of the media shall work, whenever possible, with and through the media coordinator regarding all arrangements for expanded media coverage.

(B) *Advance notice of coverage.*

1. All requests by representatives of the news media to use photographic equipment or television cameras in the courtroom shall be made to the media coordinator. The media coordinator, in turn, shall inform counsel for all parties and the presiding judge at least 14 days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by court order. When the proceeding is not scheduled at least 14 days in advance, however, the media coordinator shall give notice of the request as soon as practicable after the proceeding is scheduled.

2. Notice shall be in writing, filed in the office of the Clerk of the District Court. A copy of the notice shall be sent to the last known address of all counsel of record, parties appearing without counsel, and the judge expected to preside at the proceeding for which expanded media coverage is being requested.

(C) *Objections.* A party to a proceeding objecting to expanded media coverage shall file a written objection, stating the grounds therefore, at least 3 days before commencement of the proceeding. All witnesses shall be advised by counsel proposing to introduce their testimony of their right to object to expanded media coverage, and all objections by witnesses shall be filed prior to commencement of the proceeding. All objections shall be heard and determined by the judge prior to the commencement of the proceedings. The judge may rule on the basis of the written objection alone. In addition, the objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by such other means as the judge directs. The judge in absolute discretion may permit presentation of such evidence by the media coordinator in the same manner.

Time for filing of objections may be extended or reduced in the discretion of the judge, who also, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this rule.

Rule 4. Technical.

(A) *Equipment specifications.* Equipment to be used by the media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria, where applicable:

1. *Still cameras.* Still cameras and lenses must be unobtrusive, without distracting light or sound.

2. *Television cameras and related equipment.* Television cameras are to be electronic and, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light. Television cameras are to be designed or modified so that participants in the judicial proceedings being covered are unable to determine when recording is occurring.

3. *Audio equipment.* Microphones, wiring, and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the judicial proceeding being covered. Any changes in existing audio systems must be approved by the presiding judge. No modifications of existing systems shall be made at public expense. Microphones for use of counsel and judges shall be equipped with off/on switches.

4. *Advance approval.* It shall be the duty of media personnel to demonstrate to the presiding judge reasonably in advance of the proceeding that the equipment sought to be utilized meets the criteria set forth in this rule. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least 15 minutes prior to the scheduled time of commencement of the proceeding.

(B) *Lighting.* Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the concurrence of the presiding judge,

however, modifications may be made in light sources existing in the courtroom (e.g., higher wattage light bulbs), provided such modifications are installed and maintained without public expense.

(C) *Equipment and pooling.* The following limitations on the amount of equipment and number of photographic and broadcast media personnel in the courtroom shall apply:

1. *Still photography.* Not more than one still photographer, using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.

2. *Television.* Not more than one television camera, operated by not more than one camera person, shall be permitted in the courtroom during a judicial proceeding. Whenever possible, recording and broadcasting equipment which is not a component part of a television camera shall be located outside of the courtroom.

3. *Audio.* Not more than one audio system shall be set up in the courtroom for broadcast coverage of a judicial proceeding. Audio pickup for broadcast coverage shall be accomplished from any existing audio system present in the courtroom, if such pickup would be technically suitable for broadcast. Whenever possible, electronic audio recording equipment and any operating personnel shall be located outside of the courtroom. Exceptions may be made by the presiding judge to accommodate the pre-existing audio broadcast role for this Judicial District.

4. *Pooling.* Where the above limitations on equipment and personnel make it necessary, the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the media coordinator and representative, and the presiding judge shall not be called upon to mediate any dispute as to the appropriate media representatives authorized to cover a particular judicial proceeding.

(D) *Location of equipment and personnel.* Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas within the courtroom designated by the presiding judge. The area or areas designated shall provide reasonable access to the proceeding to be covered.

(E) *Movement during proceedings.* Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement which attracts undue attention. Still photographers shall not assume body positions inappropriate for spectators.

(F) *Decorum.* All still photographers and broadcast media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.

3rd District Rules

County to compensate the guardian ad litem, notice of the hearing on the motion shall be given to the Lancaster County Attorney as it is given to any other party.

Approved July 14, 2004.

RULE 3-15

COURTROOM MEDIA COVERAGE PILOT PROJECT

The following rule covers publication of courtroom proceedings through a pilot project of the Third Judicial District in courtrooms presided over solely by the Honorable Karen Flowers and the Honorable Steven Burns.

Courtroom proceedings in these two courtrooms may be broadcast, both by audio and video, and may be televised, recorded, or photographed (hereafter collectively referred to as "broadcast") under the following conditions:

1. Cameras and sound equipment of a quality and type approved by the Judge presiding in the case will be fixed in place in the courtroom with field of view of the camera and field of range of microphones being approved by the Judge presiding over the proceedings. Other than the cameras identified herein, no other camera will be permitted in the courtroom, including a still camera. The images produced by the camera in the courtroom should be of such a nature that still images may be retrieved.
2. The audio broadcast shall include only the statements made in open court and shall not include communications between counsel, between counsel and their clients, or bench conferences between counsel and the court.
3. Images of, or statements from, jurors will not be broadcast.
4. Jury selection will not be broadcast.
5. The following cases will not be broadcast: matters involving grand juries, juveniles (persons under 19 years old), child custody, parenting time, sexual abuse, sexual assault, and protection orders.
6. The testimony of certain witnesses may not be broadcast. Those witnesses are as follows: persons under age 19, a person who claims to be a victim of sexual abuse or sexual assault who will be called upon to testify about the abuse or assault, or a confidential informant whose testimony is about the matter upon which the person informed. Any witness may make a request to prevent that person's testimony from being broadcast by making application to the Judge presiding over the proceeding indicating the reason the witness does not want his or her testimony broadcast.
7. Upon application of any party or counsel, the court may determine to not broadcast courtroom proceedings or terminate the broadcast of courtroom proceedings.

8. Upon application at least 14 days in advance of a scheduled hearing that may be broadcast, the court may permit other types of broadcast or recording equipment in the courtroom.

The images and sound produced from the courtroom will be available to any broadcast media licensed by the Federal Communications Commission and any print media published in the State of Nebraska on a pool basis.

↳ The overriding principle in administering this pilot project shall be the guarantee of a fair trial to the litigants. Criteria may change from time to time based on factors which the court has not yet considered, experience with this project, and the circumstances of individual cases.

Approved March 12, 2008.

Nebraska Judicial News

Special Events Publication of the Nebraska Supreme Court

August 2007

Iowa Chief Justice hosts Nebraska Supreme Court Members on Informational Visit and Tour



Iowa Chief Justice Marsha Ternus (left) discusses her views of public access to the court system via news cameras with (l to r) Nebraska Chief Justice Mike Heavican, Iowa Justice Michael Streit, and Nebraska State Court Administrator Janice Walker.

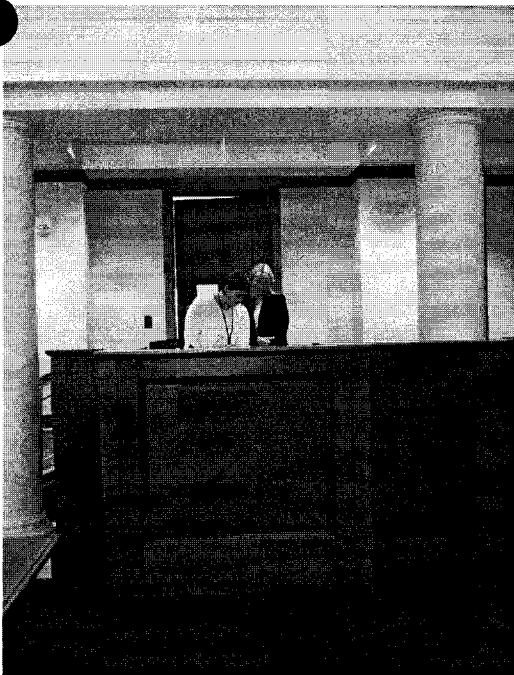
The opportunity for a 'behind the scenes' tour of the recently constructed Iowa Judicial Branch Building and a discussion of the 2005 anniversary of twenty-five years with cameras in Iowa's trial courts prompted an August visit to the Iowa Supreme Court from several Nebraska Supreme Court justices.

The Judicial Branch Building is the home of the Iowa Supreme Court, the Iowa Court of Appeals, and state court administration. The building, which was completed in 2003, sits on a bluff overlooking downtown Des Moines, two blocks south of the Capitol.

Prior to the formal tour, Nebraska Justices Mike McCormack, Ken Stephan, John Gerrard and Chief Justice Mike Heavican, along with State Court



Justice John Gerrard tests microphones from the bench in the Iowa Supreme Court. Chief Justice Heavican (background) tours bench area of the Court.



Justice Chief Justice Marsha Ternus (right) works with her law clerk to adjust camera control equipment in the Iowa Supreme Court.

Administrator Janice Walker and Public Information Officer Janet Bancroft, met with Iowa Justices Jerry Larson, Michael Streit and Chief Justice Marsha K. Ternus, along with their lead information staff, Steve Davis and Rebecca Colton. Iowa District Court Judge for Polk County, Eliza J. Ovrom, joined the group for a discussion specific to cameras in Iowa's trial courts.

In opening the discussion, Chief Justice Heavican noted that the Nebraska Broadcasters Association had, once again, asked the Nebraska Supreme Court to review policies on television cameras and other broadcast equipment in Nebraska's trial courts.

An abbreviated history of cameras in Iowa's trial courts was given by Justice Larson and Judge Ovrom. As a member of the Iowa Supreme Court in the 1970's, Justice Larson played a key role in developing the court's rules for expanded media coverage of Iowa's courts. Judge Ovrom was appointed to the bench in 1999 and has been dealing with cameras since the day she took the bench.

When asked about the distraction level of a camera in her courtroom, Judge Ovrom responded, "My experience is that it (the television camera) is not a problem. Really, once you get rolling, I don't even notice they are there." Justice Larson added, "People are used to being videotaped when they are in public. People walk into convenience stores these days and are videotaped and everyone knows it."

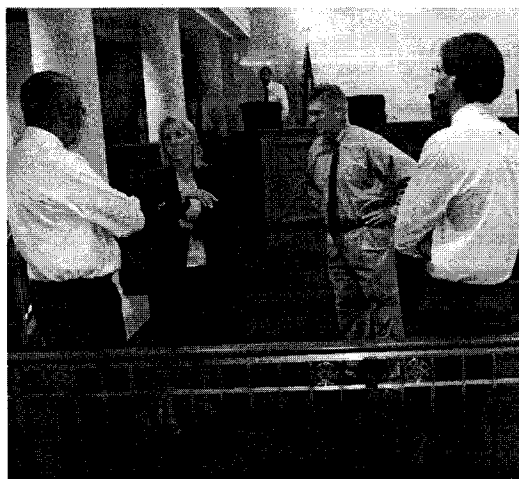
Larson, who frequently watches Omaha news stations commented, "(In Omaha) you see criminal defendants walk into court in their orange jumpsuits with their arms over their face trying to hide from the camera. To me, it is much more dignified to show them in a coat and tie at the counsel table."

Putting things into an historical perspective, Justice Larson recounted a conversation he had with a long-time Iowa attorney,

He said that in the old days the courtroom was packed with spectators. It was a place where people would go to see what was going on. But people are too busy now days." Justice Larson added, "We characterize this (television cameras) as a window into the courtroom."

Judge Ovrom agreed, "It is good for the public to see how a trial is conducted."

According to the August 2005, Iowa Freedom of Information Council Update, "Iowa's first camera in the courtroom trial was a high profile case that attracted a great deal of coverage. . . Michael Moses was the son of a prominent local dentist and was charged with killing two women. The trial was held in January 1980 in Waterloo."



Justice Stephan (left) discusses the newly constructed Iowa Judicial Branch building with Chief Justice Marsha Ternus (center left). Chief Justice Mike Heavican (center right) and Iowa Communications Officer Steve Davis (right).

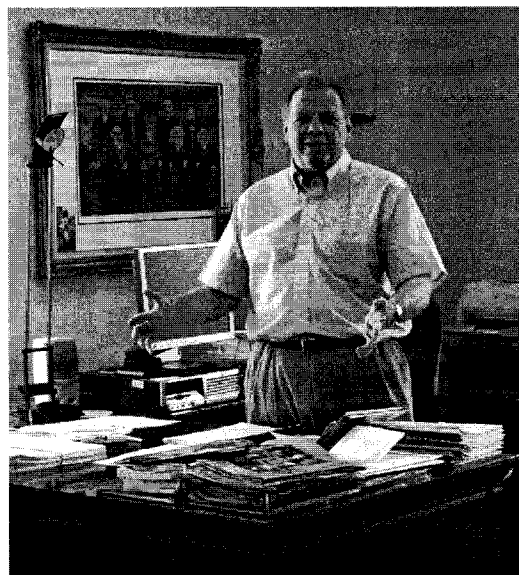
That was a quarter-century ago.

Since that time, Iowa has edited and refined their rules on a couple of occasions, but their Expanded Media Coverage program remains a model for other states.

As with Nebraska, the appellate courts in Iowa allow cameras in their courts for oral arguments; although Iowa has some distinct advantages with the construction of their new building.

During the tour of the Judicial Branch Building, the Nebraska delegation was escorted through the appellate courtrooms and shown the ten permanently mounted, voice activated cameras located around the perimeter of the Supreme Court courtroom.

According to Chief Justice Ternus, "Once we got the feel for the new building, we began recording all of our oral arguments and started putting them on the internet." Video recordings of oral



Iowa Justice Michael Streit provides tour of his personal office to Nebraska delegation. Justice Streit, appointed to the Iowa Supreme Court in 2001, joked with the Nebraska visitors that he was fairly certain that he had written a high school paper on the virtues of cameras in the courtroom.



(left to right) State Court Administrator Janice Walker, Justice Ken Stephan, Chief Justice Heavican, Justice Gerrard and Justice Mike McCormack tour Iowa Supreme Court courtroom with Rebecca Colton, Assistant to Iowa's Chief Justice.

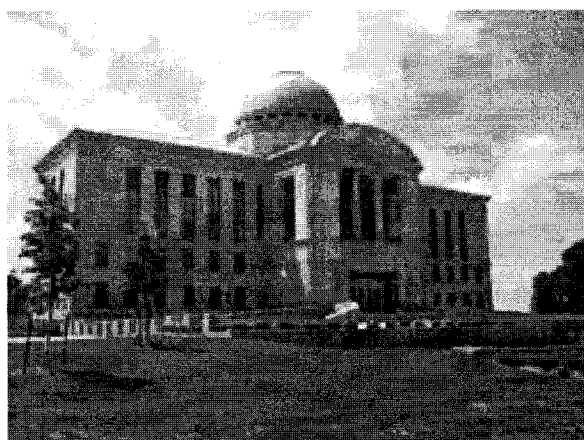
arguments before the Iowa Supreme Court are available through the Iowa Judicial Branch Web site monthly. Recordings are posted and archived on the site the week after the argument. To view a sample of the Iowa arguments, go to: www.judicial.state.ia.us, click on 'Supreme Court' and 'Oral Argument Video.'



Iowa Chief Justice
Marsha Ternus

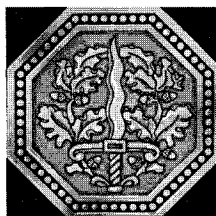
The Iowa Supreme Court members seemed to agree that even though not as many people are visiting the Web site as when the video of arguments was first begun, citizens of Iowa appear to be satisfied knowing that they can see what goes on in the Supreme Court if they choose to watch. The Nebraska Supreme Court is contemplating a study of the use of cameras through a committee appointed by the Court.

For anyone traveling through Des Moines the new Judicial Branch Building is worth the visit.



Iowa Judicial
Branch
Building

1111 East
Court Avenue
Des Moines,
Iowa

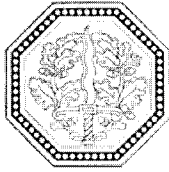


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NEBRASKA SUPREME COURT

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March 13, 2008

Supreme Court Authorizes Television News Cameras in Trial Courts

Judges Dan Bryan and Paul Korslund of the 1st Judicial District are establishing a pilot project to test the use of still and video news cameras in their courtrooms. The Nebraska Supreme Court has approved local court rules for the two judges to allow expanded news coverage by broadcasters for trials held in courtrooms where they preside.

"We have, of course, always welcomed the press into the trial court with their notepads and pens. In November of 2007, we asked the Supreme Court to approve rules allowing radio newscasters into the courtroom with their audio equipment. The experiment went so well we are more than willing to make room for television cameras, should the news stations want to cover cases in our area," said Judge Dan Bryan.

News stations will have restrictions on which portions of a trial can be covered, similar to the restrictions developed by the Iowa Supreme Court. All proceedings required by law to be private will be strictly prohibited from media coverage. In addition, expanded media coverage of cases with juveniles, child custody, police informants, undercover agents and similar witnesses are prohibited unless consent of all parties to a case is obtained.

Judge Paul Korslund remarked, "I hope this experiment will help inform the public about the workings of the judicial system and remove any mystery about what happens in a courtroom. Our intent is to provide Nebraskans with a greater understanding of their court system without putting undue pressure on litigants. Courtrooms are, after all, open to the public."

The Nebraska Supreme Court has hosted cameras in oral argument sessions for nearly a quarter century as have most state supreme courts. At the trial court level, policy varies from state to state.

Chief Justice Mike Heavican said he "couldn't be more pleased" with the willingness of Judges Bryan and Korslund to develop a pilot project for the broadcasters. "The right of citizens to a fair trial is of utmost importance. The right of citizens to see courts at work is also an important goal. Allowing television cameras into our courtrooms provides us with a mechanism to become more visible and show Nebraskans the very important work of this branch of government."

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Janice K. Walker, State Court Administrator
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